IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

REVIEW PETITION (ST) NO.29028 OF 2005

IN

WRIT PETITION NO.1402 OF 1985

Shri Parsu Maruti Jadhav,
since deceased through his L.Rs
Shri Nandkumar Parsu Jadhav & Anr. .. Petitioners.

Vs

Shri Raygonda Namgonda Patil,
since deceased through L.Rs
Nemgonda Raygonda Patil and Ors. .. Respondents

Shri R.V.More, for the petitioners.

Shri S.M.Oak, for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 18.01.06.

PC:

1. Heard the learned counsel for the parties.

2. Mr More, learned counsel for the petitioners, submits that in view of the order dated 11.10.2004 passed in Writ Petition No.1402 of 1985, the writ petition no.8509 of 2005 wherein the petitioner-Parsu Jadhav had challenged the order under section 33-B of

the Bombay Tenancy and Agricultural Lands Act, was not entertained and came to be disposed of by order dated 14.12.2005. He further submitted that in fact the proceedings under section 33-B of the Act had not attained the finality as observed in the order dated 11.10.2004 and the writ petition no.8509of 2005 challenging that order was pending before this court. According to Mr More, the pendency of the writ petition was not brought to the notice of this Court when the order dated 11.10.2004 was passed. Mr Oak, learned counsel for the respondent, submits that as a matter of fact, Writ Petition No.8509 of 2005 wherein the order under section 33-B was under challenge, was in fact not pending for admission on 11.10.2004 since it had been dismissed for default. It appears that subsequently, Writ Petition No.8509 of 2005 was restored to file and it came to be disposed of as aforestated by order dated 14.12.2005. In the circumstances, I do not find any reason to review the order dated 11.10.2004. Insofar as the merits are concerned, the law is settled in Bandu Kesu Jagadale and others Vs. Gopinath Ramchandra Inamdar and another, AIR 1976 Bombay 216 wherein this Court had taken a view that once the initial order under section 33-B is made, the order passed under section 88-C cannot be revoked. In the circumstances, I find no

merit in the review petition. The review petition is accordingly disposed of.

. It is open for the petitioners to adopt appropriate remedy that may be available in law challenging the order passed by M.R.T. under section 33-B of the Act.

(D.B.BHOSALE, J.)